

## **STATUS OF CLAIMS**

Claims 3, 5-10, 14-25, 27, 29-32 and 35-44 are pending.

Claims 3, 5-10, 14-25, 27, 29-32 and 35-44 stand finally rejected.

Claims 3 and 25 have been amended, without prejudice or disclaimer.

## **Claim Amendments**

Claims 3 and 25 have been amended. Claim 3 has been amended to recite that the claims are under insurance policies issued by one or more insurance companies, that the site generating component, claim data analyzing component and claim rehabilitation component enable claimants to communicate directly, without action by insurance company personnel, with third party providers, not affiliated with the insurance companies, of the services related to loss recovery. Specification support is found, for example, at Paragraphs [0017]-[0018], [0036]-[0038], [0049], [0052] and [0055]. For example, Paragraphs [0036]-[0038] make it clear that the vendors of the services are third party providers not affiliated with the insurance company (“The vendor referral service is typically offered during the claims reporting process as described below, and provides appropriate vendor services that enable a claimant to resolve various issues associated with the claim event. Available vendors are typically pre-approved by the associated insurance carrier, and include repair and replacement services.”) Paragraph [0049] describes the analyzing and processing of data entered by the claimant, including matching the claimant with appropriate services in order to fulfill the claimant’s needs. Paragraph [0052] states that the “processes for …claimant matching… are performed by an automated rules engine.” It will be appreciated that no insurance company personnel are required for matching of claimants with vendors, as this process is automated, such as by an automated rules engine. Paragraph [0055] provides a hot button as an example of enabling claimants to communicate directly with the third party provider. (“If the nature of the reported claim, the location of the event, and the claimant’s insurance carrier dictates the use of one of these vendors, a hot button to the vendor’s web site will be displayed at the site. If the claimant selects one of these vendors, the selected vendor is contacted in real-time in order to expedite resolution of the claim event.”)

Claim 25 has been amended similarly to claim 3.

## Remarks

Claim 3 has been amended to incorporate the limitations that the Examiner stated in the Advisory Action mailed March 17, 2009, would overcome the Foremost and Borghesi references. In particular, Paragraph 11 of the Advisory Action states:

The amendment filed on 3/3/09 does not place the application in condition for allowance because the amendment to the claim does not overcome the Foremost non-patent reference or the Borghesi patent reference. The Office recommends filing a Request for Continued Examination (RCE) and claiming a system which allows an insured to contact providers of 3<sup>rd</sup>-party, non-insurance company service providers without the intervention of any insurance company personnel, such as claims adjusters.

The foregoing amendment to claim 3 includes limitations which fully incorporate the substance of the recommendations made by the Examiner in the Advisory Action. While Applicant does not admit that these amendments are necessary to overcome the prior art of record, these amendments are being made in order to advance the present application to allowance.

Accordingly, in view of the amendment to claim 3, the rejection of claim 3 under 35 U.S.C. 103(a) as being unpatentable over (1) Borghesi (U.S. Patent 5,950,169), in view of (2) Cutting Out the Middlemen (May 31, 1999), non-patent literature (“Middlemen”), further in view of (3) “Customers of Foremost Insurance Group Companies Can Now File Claims on the Company’s Web Site” (“Foremost”) has been overcome.

Claims 5-10 and 14-24 depend directly or indirectly from independent claim 3, and are allowable at least by virtue of their dependence from an allowable base claim.

Independent claim 25 has similarly been amended, for the purpose of advancing the present case to allowance, to fully incorporate the substance of the recommendations made by the Examiner in the Advisory Action. The rejection of claim 25 has accordingly been overcome.

Claims 27, 29-32 and 35-44 depend directly or indirectly from independent claim 25, and are allowable at least by virtue of their dependence from an allowable base claim.

**CONCLUSION**

Applicant believes he has addressed all outstanding grounds raised in the outstanding Office action, and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,

Dated: April 1, 2009

/Robert E. Rosenthal/

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